

June 9, 2023

The Honorable Judge Ronnie Abrams
United States District Court Southern District of New York
40 Foley Square, Room 2203 New York, NY 10007

The Honorable Judge Sarah L. Cave
United States District Court Southern District of New York
500 Pearl St., Courtroom 18A New York, NY 10007-1312

RE : Plaintiff's Response to ECF 499 with Supplemental Exhibits during Discovery by Both Defendants initiation Delays and willfully causing Obstructions

The Honorable Judge Abrams and Judge Sarah L. Cave,

As per the Court's request, on June 1, 2023. Plaintiff issued a response to No. 449 due to Defendants filing a complaint letter on April 18, 2023 in ECF 436. My response exhibits included all documented communications with both of my expert witnesses, Gayle Skluzacek which began in June, 2022 regarding the production of her expert report and Dr. Joseph V. Scelsa beginning in August 2022. As noted both were sent the Fed. Rule 26 which Plaintiff requested from the Defendants and immediately past onto my expert witness which were in EXHIBIT #1 and EXHIBIT #2 in Plaintiff's ECF493. Both of Plaintiff's expert witnesses submitted written statements to the Court which verify that Plaintiff was in compliance with the rules of the Court. It was the schedules of my expert witnesses and their personal commitments that contributed to their expert witness report submissions. SEE EXHIBITS #1 ECF 436.

Plaintiff notes to the Court, at any given time, I am requested to fulfill at least three requests all at the same time, made by WorthPoints Defendants attorneys. Plaintiff either has to produce documents while simultaneously writing and addressing ENDLESS complaint letters to the Court, usually purporting completely false issues regarding the Plaintiff. At present, I am writing and responding to two different Judges for Summary Judgement and once again have to readdress Plaintiff's expert witness reports, hence the reason my letter is to both Judge Cave and Judge Abrams in answer to Defendants' ECF 499.

Plaintiff reiterates the start of Defendants willful creation of numerous delays began by attorney Jana Farmer on July 8, 2022 in **ECF 249** and her request to postpone discovery. I submitted two crucial documents, dated January 14, 2016 which are Item Removal Review forms directly entered into WorthPoints' website to remove the false 1972 post. Plaintiff's evidence verifies on Jan. 14, 2016 I informed WorthPoint about the false 1972 post and requested a removal. **EXHIBIT #2 Jan. 14, 2016 WorthPoint Item Review Removal Forms Submttd by Plaintiff for 1972 post Man.. Umbrella.** WorthPoint never responded to my Jan.14, 2016 request and falsely claim WorthPoint removed the false 1972 post on Feb. 4, 2016 which is 21 days later. On Jan. 22, 2016 I directly phoned and requested the removal of the false post, The DMCA and Copyright laws require an immediate take down. Prior to these dates Plaintiff was lied to by WorthPoint and told to pursue eBay from August 2015 to November 2015.

Plaintiff notes there are **52 days** between (Friday) July 8, 2022 and Aug 30, 2022 (Tuesday), roughly one and a half months. During that time Plaintiff was forced to send a number of emails to attorney Anderson Duff and write letters to the Court to order for Mr. Duff to produce a complete copy of the alleged eBay sales receipt.. The emails and receipt was allegedly from eBay to Norb Novocin.. Attorney Mr. Duff failed to produce to the Plaintiff one complete ebay receipt to verify the alleged sale of the 1972 oil painting, during the summer, into the fall of 2022 as documented in **EXHIBIT #1.**

As for WorthPoint attorneys, on October 20, 2022, Plaintiff personally returned my August 30, 2022 corrected deposition with all responses to the law firm of Wilson Elser on 42nd street in New York. In addition I filed a written list of my August 30, 2022 Deposition Responses. See **EXHIBIT #3**

On October 24, 2022 Plaintiff submitted to WorthPoints' attorneys their additional Supplemental Rule 37 Responses to Plaintiff's Evidence requested by WorthPoints attorneys in **EXHIBIT #4**. Despite Plaintiff's two documented submissions of all my responses WorthPoint Defendants delayed the end of fact discovery on October 31, 2022 and filed a false letter to the Court on November 7, 2022 ECF 309 which proved in fact it was Nicole Haimson who made clerical errors in Plaintiff's discovery submissions. **EXHIBIT #5 Plaintiff's Nov. 16, 2022 letter to the Court to clarify Defendants mistakes.**

On Nov. 23, 2022, the gamesmanship by both Defendants in tandem with the incorrect "Source Information" email sent to Plaintiff which was ambiguous coding cost the Plaintiff time and money, to decipher coding. As Mr. O'Leary's Affidavit will attest, all four eBay receipts were not consistent. His time spent producing his Affidavit submitted on Dec. 5, 2022 took time away from his Dec. scheduled commitments. Given the obvious attempt to conceal and incorrectly submit data to the Plaintiff that I did not request, Mr. O'Leary's urgently produced an Affidavit to affirm Defendants failed to comply with Plaintiff's request. Defendants did NOT submit the native electronic ebay email dated Dec. 1, 2012. On Nov. 23, 2022, Defendants merely repeated production of an alleged sales receipt that differed and was missing icons from EAI Nov. 16, 2022 ebay email which was devoid of a bold yellow bar behind "Congratulations your item sold" and the third EAI production on Nov. 17, 2022.

First I did not make my request to WorthPoints' attorneys. My request was made to attorney Anderson Duff who failed to send the electronic email in its entirety in a digital format. It is noteworthy that attorney Adam Bialek sent the email when Plaintiff did not make such a request directly from WorthPoints attorneys. Days later Mr. Duff submitted printed out documents which were also cut off and truncated just like EAI00058-59. On December 2, 2022 Plaintiff submitted a third written confirmation of Plaintiff's Responses to WorthPoint's Supplemental Rule 37 Requests to Plaintiff's Evidence which was discussed at the Conference Call on Nov. 23, 2022 and is in **EXHIBIT #6**.

The deliberate requests by WorthPoints' attorneys to repetitiously demand the same requests of Plaintiff over and over again took time away from the completion of my expert witness reports. Presently, at the Summary Judgement stage, WorthPoints attorneys have once again written a letter to the Court, complaining about Plaintiff's expert witness reports while it was WorthPoint Defendants who sent emails to Plaintiff requesting dates that WorthPoints attorneys could depose Plaintiff's expert witnesses see in **EXHIBIT #7 Emails from Adam Bialek Plaintiff's emailed to Dr. Joseph Scelsa**. Defendants chicanery and redundancy is beyond the normal procedures of litigation and is verifies that both are consistently attempting to exploit the Plaintiff's Pro Se Status.

Dated: New York, New York
Annamarie Trombetta
175 East 96th Street (12 R)
New York, New York 10128
June 9, 2023

Respectfully Submitted by

——Electronic Signature——

/s/ Annamarie Trombetta

Annamarie Trombetta Pro Se Plaintiff